

REFERENCE TITLE: **universities; public records; technical correction**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1076

Introduced by
Senator Gray

AN ACT

AMENDING SECTION 15-1640, ARIZONA REVISED STATUTES; RELATING TO UNIVERSITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-1640, Arizona Revised Statutes, is amended to
3 read:

4 15-1640. Public records exemption: intellectual property;
5 historical records; donor records

6 A. The following records of a university under the jurisdiction of the
7 Arizona board of regents are exempt from the provisions of title 39, chapter
8 1, article 2:

9 1. Intellectual property that is a trade secret as defined in section
10 44-401 and that is contained in any of the following:

11 (a) Unfunded grant applications or proposals.

12 (b) Proprietary data or research material provided to a university by
13 a third party who has an expectation that the data or material will remain
14 confidential. In order to qualify for the exemption prescribed in this
15 subdivision, the intellectual property must be provided to the university
16 pursuant to a contract **THAT IS** executed between the third party and the
17 university **AND** that meets all of the following requirements:

18 (i) The contract specifies that the intellectual property is being
19 provided to the university and that there is a need for confidentiality.

20 (ii) The contract is approved before the contract becomes effective by
21 an official of the university who is authorized to sign research contracts.

22 (iii) The contract includes the name or names of the third party, a
23 general description of the research or other work that is the subject of the
24 contract in a manner sufficient to provide the public with the information
25 necessary to understand the nature of that research or other work and a
26 statement that the intellectual property that is the subject of the contract
27 will be conveyed by the third party to the university pursuant to the terms
28 of the contract.

29 (iv) The contract will become a public document that is subject to
30 title 39, chapter 1, article 2 when the contract is executed.

31 (c) Proprietary data or research material that is developed by persons
32 employed by a university, if the disclosure of this data or material would be
33 contrary to the best interests of this state.

34 2. Historical records and materials donated to a university by a
35 private person or a private entity, if restricted access is a condition of
36 the donation. The exemption provided by this paragraph shall expire no later
37 than twenty years after the original donation.

38 3. All records concerning donors or potential donors to a university,
39 other than the names of the donors and the description, date, amount and
40 conditions of these donations.

41 B. Any exemption provided by this section shall no longer be
42 applicable if the subject matter of the records becomes available to the
43 general public.